

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 91.6, the Labor Commissioner hereby amends Chapter 130, “Community Right to Know,” and Chapter 140, “Public Safety/Emergency Response Right to Know,” Iowa Administrative Code.

These amendments rescind obsolete rules and amend outdated rules. Duties pertaining to the hazardous chemical inventory were transferred from the Division of Labor Services to the Department of Natural Resources, making three Division rules obsolete. Division rules governing hearing procedures were transferred from Chapter 300 to Chapter 1, making amendments to two existing rules necessary.

The principal reasons for adoption of these amendments are to update the rules and implement legislative intent.

No variance procedures are included in this rule making. Variance procedures are set forth in 875—Chapter 1.

After analysis and review of this rule making, no impact on jobs has been found.

Notice of Intended Action was published in the February 3, 2016, Iowa Administrative Bulletin as **ARC 2394C**. No comments were received. These amendments are identical to the amendments published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 89B.

These amendments shall become effective on May 18, 2016.

The following amendments are adopted.

ITEM 1. Amend subrule 130.10(3) as follows:

130.10(3) If the employer has not requested a hearing, the commissioner, after the time set forth for compliance with the order to comply, may reexamine records submitted by the employer or may reinspect the premises. If the employer has not taken the necessary remedial steps required by the order to comply, the commissioner, upon notice and administrative hearing, may issue a decision on the order to comply which shall be deemed a final agency action pursuant to Iowa Code chapter 17A. The rules contained in ~~875—Chapter 300~~ 875—Chapter 1 are applicable to the hearing.

ITEM 2. Rescind and reserve rules **875—130.11(30,89B)** and **875—130.12(30,89B)**.

ITEM 3. Amend subrule 140.8(3) as follows:

140.8(3) In the event the issue of noncompliance comes for hearing before the commissioner, the commissioner may, at the conclusion of the hearing, issue an order for compliance which shall be a final agency action pursuant to Iowa Code chapter 17A or dismiss the complaint. Any hearing shall be conducted pursuant to the rules contained in ~~875—Chapter 300~~ 875—Chapter 1.

ITEM 4. Rescind and reserve rule **875—140.9(30,89B)**.

[Filed 3/23/16, effective 5/18/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/13/16.